

Special Education Waiver Process For SY 2004-2005 Based on Kentucky Administrative Regulations Effective July 1, 2004

The Kentucky Department of Education, Division of Exceptional Children Services (DECS) promulgated Kentucky Administrative Regulations (KARs) for special education programs that became effective August 1, 2001. The new KARs change the program teacher assignment, shortened school day, caseload, class size, and grade range requirements contained in the previous regulations for special education programs. Below is a brief summary of the impact of these changes under the new KARs. Also included are tables establishing requirements for both the caseload and class size based on special education teacher as submitted to the Education and Professional Standards Board (EPSB). The tables include information on waivers this office will approve. Grade Range waivers are approved on a case by case basis.

Program Teacher Assignment: The new KARs repealed 707 KAR 1:140 and specifically, Section 16, Qualifications for Assignments. This regulation limited special education teachers to providing specially designed instruction to no more than three different disability categories. With the repeal of this regulation, there is no longer a specified limit on the numbers of different disability categories a teacher may serve. However, teachers remain limited based on their teaching certification and class assignment. Waivers must be requested when there are special education assignments for a teacher who is not certified in the area of the assignment. While these waiver requests will be submitted to the KDE, DECS, approval of the assignment will come from the EPSB.

Shortened School Day: The process for approving a shortened school day has changed very little. Students with disabilities are expected to attend school for the entire school day. However, when circumstances warrant, the Admissions and Release Committee (ARC) may determine it is in the student's best interest to shorten his or her school day. Districts must meet the same requirements for granting a shortened school as in previous years, including having a medical statement signed by a physician; documented determination by the student's ARC that a shortened school day is needed; an IEP that prescribes the length of the shortened day; and approval by the district's Board of Education that maintains the student's confidentiality. When the school day is shortened and all these pieces are in place, the district must submit notice to the KDE, DECS on forms provided. Information shall include the student's name, disability, school, school district, teacher, length of day, building principal, and confirmation that there is a signed medical statement, an ARC determination of need, that a shortened day is described in the student's IEP, and that the local Board of Education has approved a shortened day for the specified student. Note this is **not a request** for approval from this office, but rather **it is notice** to this office that the district has shortened the school day of a child with a disability pursuant to criteria described above.

Grade Range (per period and overall): KARs no longer specify age ranges either per period or for overall caseload. As a result, age range issues are now viewed as **Grade Range** issues and are based on teacher certification, location of the class, and the level of the non-disabled students on the campus. Students assigned to a teacher roster for either management of their folders or for instruction must be appropriate for the teacher's certification and assignment. Students must also meet the same grade and age level requirements as general education students at the school where the teacher teaches and the student is enrolled. This means special education students must be located on the same campus as their same age/grade peers. When special education students are not housed on an age or grade appropriate campus, then the district must submit a request for a **Grade Range Waiver**. In cases where a middle school special education unit is housed at an elementary school campus, then there must be a grade range waiver request to address the teacher's assignment.

For example, a teacher assigned to an elementary school should only have elementary school age students in grade appropriate classes, middle school teachers should only have middle school age students and high school teachers should only have high school age students. Teachers on mixed campuses such as K-8 or 7-12, should be assigned students appropriate for these grades meeting the same grade and age level requirements as the general education teachers at these schools. Itinerant special education teachers, other than speech pathologists, should not be assigned to both primary and secondary schools even if they have K-12 certification.

Case Load (overall numbers):

Special Class – Case load assignments for special class are the same as the Class size per period described below for the special class. If the caseload exceeds the maximum number of students for 30 days, then the district must submit a request for a **Case Load Waiver**.

Resource Class - Case load is the number of student records for whom a teacher can be assigned. This does not mean that this teacher will not provide specially designed instruction to other special education students. However, the Resource Teacher is only responsible for maintaining the student folder and due process documentation on these students. The total number of students the Resource Class teacher provides services to is limited by the per period Class size. If the caseload exceeds the maximum number of students for 30 days, then the district must a **Case Load Waiver**.

Collaboration – If a teacher provides services through the collaborative model, the maximum caseload shall not exceed twenty (20) children with disabilities for secondary, and fifteen (15) children with disabilities for primary.

Class size (per period):

Special Class – Class sizes for the special class are **the same** as the Case Load of a special class and are based on the disability category of the majority of students served by a teacher. Class size for an SLD class is also impacted based on whether it is a Primary (K-8) or Secondary (7-12) campus. While regulations do not allow for a waiver to the Class size per period, Case Load Waivers granted to a special class will increase the class size per period as well.

Resource Class – Class sizes for the Resource Class are **different** than the Case Load but like the Special Class are also based on the disability category of the majority of students served by a teacher.

Collaboration – Class size for Collaboration Classes means the number of children with disabilities assigned to a teacher of exceptional children per period, block, or the specified length of the time set by the individual school district.

SY 2004-2005 Case Load Requirements

Teacher Assignment, Code and Class Plan	Maximum Case Load	Waiver without Teacher Assistant	Waiver With Full Time Teacher Assistant
<u>Visual Disability</u>			
6010 Special Class	10	11	12
6012 Resource Plan	10	11	12
6012 (Itinerant)	10	11	12
<u>Hearing Impaired</u>			
6020 Special Class	6	7	8
6022 Resource Plan	8	9	10
6022 (Itinerant)	8	9	10
<u>Mental Disability</u>			
<u>Mild Level:</u>			
6030 Special Class			
Primary – 8	15	16	17
Secondary 7-12	15	16	17
6032 Resource Plan			
Primary – 8	15	16	17
Secondary 7-12	20	21	22
<u>Mental Disability</u>			
<u>Functional Level</u>			
6120 Special Class	10	11	12
6122 Resource Plan	10	11	12
<u>Emotional-Behavioral Disability</u>			
6040 Special Class	8	9	10
6042 Resource Plan	15	16	17
<u>Learning Disability</u>			
6060 Special Class			
Primary – 8	10	11	12
Secondary 7-12	15	16	17
6062 Resource Plan			
Primary – 8	15	16	17
Secondary 7-12	20	21	22
<u>Collaboration Model</u>			
6263 Collaboration Model			
Primary – 8	15	No Waivers	No Waivers
Secondary 7-12	20	No Waivers	No Waivers
<u>Physical Disability and Other Health Impaired</u>			
6070 Special Class	16	17	18
6072 Resource Plan	20	21	22
<u>Speech/Language</u>			
6102 Resource Plan	65	No Waivers	No Waivers
6103 One SLPA	97	No Waivers	No Waivers
6104 Two SLPA	130	No Waivers	No Waivers
<u>Multiple Disability</u>			
<u>(FMD)</u>			
6133 Special Class	10	11	12
6134 Resource Plan	10	11	12
<u>(MMD)</u>			
6135 Special Class	10	11	12
6136 Resource Plan	10	11	12

SY 2004-2005

Class Size Per Period Requirements

Teacher Assignment, Code and Class Plan	Maximum Class Size	Waiver without Teacher Assistant	Waiver with Full Time Teacher Assistant
<u>Visual Disability</u> 6010 Special Class 6012 Resource Plan 6012 (Itinerant)	N/A 8 8	N/A 9 9	N/A 10 10
<u>Hearing Impaired</u> 6020 Special Class 6022 Resource Plan 6022 (Itinerant)	N/A 8 8	N/A 9 9	N/A 10 10
<u>Mental Disability</u> <u>Mild Level:</u> 6030 Special Class Primary – 8 Secondary 7-12 6032 Resource Plan Primary – 8 Secondary 7-12	N/A N/A 10 10	N/A N/A 11 11	N/A N/A 12 12
<u>Mental Disability</u> <u>Functional Level</u> 6120 Special Class 6122 Resource Plan	N/A 8	N/A 9	N/A 10
<u>Emotional-Behavioral Disability</u> 6040 Special Class 6042 Resource Plan	N/A 8	N/A 9	N/A 10
<u>Learning Disability</u> 6060 Special Class Primary – 8 Secondary 7-12 6062 Resource Plan Primary – 8 Secondary 7-12	N/A N/A 10 10	N/A N/A 11 11	N/A N/A 12 12
<u>Collaboration Model</u> 6263 Collaboration Model Primary – 8 Secondary 7-12	N/A N/A	N/A N/A	N/A N/A
<u>Physical Disability and Other Health Impaired</u> 6070 Special Class 6072 Resource Plan	N/A 10	N/A 11	N/A 12
<u>Speech/Language</u> 6102 Resource Plan 6103 One SLPA 6104 Two SLPA			
<u>Multiple Disability</u> (FMD) 6133 Special Class 6134 Resource Plan (MMD) 6135 Special Class 6136 Resource Plan	N/A 8 N/A 8	N/A 9 N/A 9	N/A 10 N/A 10